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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,)
12)
Plaintiff,)
13)
v.) 2:11-CV-163-GMN (PAL)
14)
2010 NISSAN 370Z, VIN:)
JN1AZ4FH1AM301985,)
15)
Defendant.)

16 **DEFAULT JUDGMENT OF FORFEITURE**

17 The United States filed a Verified Complaint for Forfeiture *in Rem* on January 31, 2011.

18 Docket #1. The Complaint (#1) alleges the defendant property:

- 19 a. was used, or intended to be used, to transport, or in any manner to facilitate the
20 transportation, sale, receipt, possession or concealment of a controlled
21 substance in violation of Title II of the Controlled Substances Act, 21 U.S.C.
22 Section 801, et seq., or is property traceable to such property, and is subject to
23 forfeiture pursuant to 21 U.S.C. Section 881(a)(4).

24 It appearing that process was fully issued in this action and returned according to law;

25 On February 4, 2011, the Court entered an Order for Summons and Warrant of Arrest in Rem
26 for the Property and Notice and issued the Summons and Warrant of Arrest in Rem. #3.

1 On February 4, 2011, the United States Marshals Service served the Complaint, the Order,
2 the Summons and Warrant of Arrest in Rem for the Property, and the Notice by executing them on
3 the defendant property. #4.

4 Public notice of the forfeiture action and arrest was given to all persons and entities by
5 publication on the official government website www.forfeiture.gov from February 9, 2011, through
6 March 10, 2011. #5.

7 On May 26, 2011 Notice of Filing Service of Process was entered attaching the United
8 States Marshals Service's Return on Service of Process evidencing service of process on all known
9 interested parties by personal service, regular mail and/or certified return receipt mail as follows #8:

- 10 a) March 31, 2011: Carolyn M. Allen, Inmate ID #1622611, by Personal Service in Cell
11 Block. #8, p. 2-4;
- 12 b) April 11, 2011: Westlake Financial Services, Attention Marvin Stanton, Resident
13 Agent, by Regular Mail. #8, p. 48-50;
- 14 c) April 11, 2011: Westlake Financial Services, Attention John Schwartz, Legal Counsel,
15 by Regular Mail. #8, p. 34-36;
- 16 d) April 11, 2011: Westlake Financial Services, Attention Don Hankey, Chairman of the
17 Board, by Regular Mail. #8, p.27-29;
- 18 e) April 11, 2011: Westlake Financial Services, Attention Marine Rivas, by Regular Mail.
19 #8, p.20-22;
- 20 f) April 11, 2011: Westlake Financial Services, Attention Ian Anderson, President, by
21 Regular Mail. #8, p. 41-43;
- 22 g) April 13, 2011: John J. Momot, Esq., Counsel for Carolyn M. Allen, by Personal
23 Service (attempted). Momot refused to accept service. #8, p.5-7;
- 24 h) April 14, 2011: Westlake Financial Services, Attention John Schwartz, Legal Counsel,
25 by Certified Return Receipt. #8, p. 30-33;

26 ...

- 1 i) April 14, 2011: Westlake Financial Services, Attention Don Hankey, Chairman of the
2 Board, by Certified Return Receipt. #8, p. 23-26;
- 3 j) April 14, 2011: Westlake Financial Services, Attention Marine Rivas, by Certified
4 Return Receipt. #8, p. 16-19;
- 5 k) April 14, 2011: Westlake Financial Services, Attention Ian Anderson, President, by
6 Certified Return Receipt. #8, p.37-40;
- 7 l) April 19, 2011: Westlake Financial Services, Attention Marvin Stanton, Resident
8 Agent, by Certified Return Receipt (attempted). Returned unexecuted. #8, p. 44-47.
- 9 m) May 12, 2011: John J. Momot, Esq., Counsel for Carolyn M. Allen, by Regular Mail.
10 #8 p.12-15; and
- 11 n) May 13, 2011: John J. Momot, Esq., Counsel for Carolyn M. Allen, by Certified Return
12 Receipt. #8, p. 8-11.

13 All persons interested in the defendant property were required to file their claims with the
14 Clerk of the Court within 30 days of the publication of the Notice or within 35 days of actual notice
15 of this action, as applicable, followed by the filing of an answer to the Complaint within 21 days after
16 the filing of their respective claims. #1, #3, #4, #5, #8.

17 On May 12, 2011, a Verified Claim by Westlake Financial Services to the Subject Property
18 was filed. #7.

19 On May 27, 2011, an Answer to the Complaint was filed by Claimant Westlake Financial
20 Services. #9.

21 On October 3, 2011, the United States filed a Settlement Agreement, Stipulation for Entry
22 of Judgment of Forfeiture as to Westlake Financial Services, and Order, regarding the 2010 Nissan
23 370Z, VIN: JN1AZ4FH1AM301985. Westlake Financial Services waived, among other things,
24 service of process. #11.

25 On October 5, 2011, the Court entered the Order granting the Settlement Agreement,
26 Stipulation for Entry of Judgment of Forfeiture as to Westlake Financial Services, and Order. #12.

1 No other person or entity, with the exception of Westlake Financial Services, has filed a
2 claim, answer, or responsive pleading within the time permitted by 18 U.S.C. § 983(a)(4) and Fed. R.
3 Civ. P. Supp. Rule G(4) and (5).

4 On October 6, 2011, the United States filed a Request for Entry of Default against the
5 defendant property and all persons or entities who claim an interest in the defendant property in the
6 above-entitled action, with the exception of Westlake Financial Services. #13.

7 On October 7, 2011, the Clerk of the Court entered a Default against the defendant property
8 and all persons or entities who claim an interest in the defendant property in the above-entitled action,
9 with the exception of Westlake Financial Services. #14.

10 Carolyn M. Allen is not in the military service within the purview of the Servicemembers
11 Civil Relief Act.

12 The allegations of the Complaint are sustained by the evidence and are adopted as findings
13 of fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
14 in the Complaint.

15 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
16 Default Judgment of Forfeiture be entered against the defendant property and all persons or entities
17 who claim an interest in the defendant property in the above-entitled action, with the exception of
18 Westlake Financial Services.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
20 same is hereby forfeited to the United States of America, and no right, title, or interest in the property
21 shall exist in any other party.

22 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
23 cause for the seizure or arrest of the defendant property.

24 **DATED** this 27th day of October, 2011.

25 
26 _____
Gloria M. Navarro
United States District Judge